



## COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

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### **CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT**

February 28, 2013  
Agenda Item No. 4

**SUBJECT:** Island Cinemas Monument Sign (PA2012-175)  
101 Newport Center Drive  
▪ Modification Permit No. MD2012-019

**APPLICANT:** Irvine Company – John Murphy

**PLANNER:** Jaime Murillo, Associate Planner  
(949) 644-3209, [jmurillo@newportbeachca.gov](mailto:jmurillo@newportbeachca.gov)

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### **ZONING DISTRICT/GENERAL PLAN**

Zoning Code – PC-56, Fashion Island Sub-Area (North Newport Center Planned Community)

General Plan – CR (Regional Commercial)

### **PROJECT SUMMARY**

A modification permit to construct a second double-faced, monument sign in support of the existing movie theater located within Fashion Island. The proposed theater sign would be located along the perimeter of Fashion Island adjacent to Newport Center Drive, between San Miguel Drive and Anacapa Drive. The sign would measure 16 feet 9 ¾ inches in height and 13 feet in width. Each sign face would measure 150 square feet in area, resulting in a total combined sign area of 300 square feet.

### **RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. ZA2012-\_\_\_\_ approving Modification Permit No. MD2012-019 (Attachment No. ZA 1).



## **DISCUSSION**

- Within the North Newport Center Planned Community (NNCPC), the subject property is located within the Fashion Island sub-area, which is the primary retail hub within Newport Center and is developed with retail, dining, and commercial entertainment uses. Fashion Island is intended to be a vibrant regional retail and entertainment center and a destination with a variety of uses that serve visitors, residents, and employees in the area. The existing movie theater and supporting signage is consistent with this land use designation and purpose and intent of the NNCPC.
- The NNCPC sign standards for Fashion Island permit a maximum of one theater sign facing Newport Center Drive, constructed at a maximum height of 20 feet and maximum sign area of 300 square feet. One existing theater monument sign currently exists on the west side of the perimeter of Fashion Island, near Newport Center Drive and Santa Maria Drive. The existing sign is 12 feet 7 inches high and 10 feet 6 inches wide, with a total sign area of approximately 186 square feet (93 square feet per sign face).
- Fashion Island is a regional shopping center located within the center of the Newport Center area. The movie theater is a destination use located within the center of the shopping center and is not visible from the surrounding parking lots and roadways. Newport Center Drive is a perimeter road that loops around the shopping center and is accessed from nine different streets leading into the Newport Center area. In addition, Fashion Island is accessed via multiple driveways and drive aisles off Newport Center Drive. The numerous driveways and access roads can be challenging to motorists in identifying their destination within Fashion Island.
- Due to the difficulty associated with the size and configuration of the shopping center and surrounding roadways, staff believes the addition of a second theater sign is acceptable to provide adequate theater signage and exposure to motorists and to identify the location of the theater within the shopping center.
- Staff believes the proposed sign would not result in an excessive number of theater signs because the existing theater sign is located at the opposite side of Fashion Island, approximately 3,200 feet away along Newport Center Drive. Also, the proposed sign will be constructed of similar materials and lettering as other existing Fashion Island monument signs, which are spaced out along Newport Center Drive.
- The proposed monument sign is shorter than the maximum allowed height and is consistent with the area requirements for theater signs allowed within the NNCPC. The proposed sign area accommodates 6-inch-high text ensuring legibility of the movie titles.
- The proposed sign includes text identifying the name of the theater and the movies that are offered. No graphic displays are proposed or permitted to help ensure the sign does not distract motorists or create safety hazards. Additionally, the monument sign

will not be located adjacent to any driveways and will not interfere with sight distance for vehicles entering or exiting the property.

### **ENVIRONMENTAL REVIEW**

The project qualifies for Class 11 (Accessory Structures) categorical exemption, Section 15311 of the California Environmental Quality Act. This class exempts construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs. The proposed monument sign is incidental and accessory to the principal commercial use of the property and does not intensify or alter the use.

### **PUBLIC NOTICE**

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet (excluding intervening rights-of-way and waterways) of the property and posted at the site within the vicinity of the proposed sign a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

**APPEAL PERIOD:** An appeal may be filed with the Director of Community Development, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Prepared by:

  
\_\_\_\_\_  
Jaime Murillo  
Associate Planner  
BW/jm

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Photos and Plans of Existing Theater Sign
	ZA 4	Proposed Plans for Second Theater Sign



# **Attachment No. ZA 1**

Draft Resolution



## **RESOLUTION NO. ZA2012-0##**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MD2012-019 FOR A SECOND THEATER MONUMENT SIGN LOCATED NEAR 101 NEWPORT CENTER DRIVE IN THE FASHION ISLAND SHOPPING CENTER (PA2012-019)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Irvine Company, with respect to the existing Island Cinemas located at 999 Newport Center Drive within the Fashion Island shopping center. Specifically, the application requests approval of a second theater monument sign located near 101 Newport Center Drive, on a parcel legally described as Parcel 1 of Lot Line Adjustment No. 2012-005. The proposed sign would be located along the perimeter of Fashion Island adjacent to Newport Center Drive, between San Miguel Drive and Anacapa Drive.
2. The applicant proposes to construct a second double-faced, monument sign in support of the existing movie theater located within Fashion Island. The sign would measure 16 feet 9  $\frac{3}{4}$  inches in height and 13 feet in width. Each sign face would measure 150 square feet in area, resulting in a total combined sign area of 300 square feet.
3. The subject property is located within the North Newport Center Planned Community (PC-56) Zoning District and the General Plan Land Use Element category is Regional Commercial (CR).
4. The subject property not located within the coastal zone.
5. A public hearing was held on February 28, 2013, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

#### **SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).
2. Class 11 includes construction or replacement of minor structures such as on-site signs accessory to existing commercial facilities. The proposed monument sign is incidental and accessory to the principal commercial use of the property and does not intensify or alter the use.

### SECTION 3. REQUIRED FINDINGS.

The North Newport Center Planned Community (NNCPC) permits a maximum of one theater monument sign; therefore, the approval of a modification permit is required to allow an additional sign. In accordance with Section 20.52.050 of the Newport Beach Municipal Code, the following findings and facts in support of such findings for a modification permit are set forth:

#### Finding:

*A. The requested modification will be compatible with existing development in the neighborhood.*

#### Facts in Support of Finding:

- A-1. The subject property is located in the NNCPC zoning district and is designated CR by the Land Use Element of the General Plan. Within the NNCPC, the subject property is located within the Fashion Island sub-area, which is the primary retail hub within Newport Center and is developed with retail, dining, and commercial entertainment uses. Permitted uses include those in support of the existing retail, dining, and commercial entertainment uses. Fashion Island is intended to be a vibrant regional retail and entertainment center and a destination with a variety of uses that serve visitors, residents, and employees in the area. The existing movie theater and supporting signage is consistent with existing development within Fashion Island and Newport Center.
- A-2. The proposed sign is consistent with the maximum allowed height and area requirements for theater signs allowed within the NNCPC, which has been developed to ensure the size and scale of signage is compatible with surrounding development.
- A-3. The proposed sign will be constructed of similar materials and lettering as the existing Fashion Island monument signs located along Newport Center Drive.

#### Finding:

*B. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

#### Facts in Support of Finding:

- B-1. Fashion Island is a regional shopping center located within the center of the Newport Center area. The movie theater is a destination use located within the center of the shopping center and is not visible from the surrounding parking lots and roadways.

- B-2. Newport Center Drive is a perimeter road that loops around the shopping center and is accessed from nine different streets leading into the Newport Center area. In addition, Fashion Island is accessed via multiple driveways and drive aisles off Newport Center Drive. The numerous driveways and access roads can be challenging to motorists in identifying their destination within Fashion Island.
- B-3. The modification is necessary to provide adequate theater signage and exposure to motorists, and to identify the location of the theater within the shopping center.

Finding:

- C. The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding:

- C-1. Due to the difficulty associated with the size and configuration of the shopping center and surrounding roadways, the addition of a second theater sign is necessary to provide adequate identification for the theater consistent with the purpose and intent of sign standards of the Zoning Code.
- C-2. The proposed sign would not result in an excessive number of theater signs because the existing theater sign is located at the opposite side of Fashion Island, approximately 3,200 feet away along Newport Center Drive.

Finding:

- D. There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

- D-1. Maintaining only one theater sign would not provide the benefit of increasing exposure to motorists or assist in the identification of the theater within Fashion Island.
- D-2. The shopping center is comprised of combination of parking structures, surface parking lots, and multiple commercial structures. Due to the amount of commercial retail space and location of parking, the two theater signs will provide greater convenience and visibility for visitors to the site, and would not result in a detriment to surrounding owners and occupants, the neighborhood, or to the general public.

Finding:

- E. The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the*

*City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

- E-1. The signage is for commercial uses in a commercial district and is not in or adjacent to a residential district
- E-2. The monument sign is not located adjacent to any driveways and will not interfere with sight distance for vehicles entering or exiting the property.
- E-3. The proposed monument sign is compatible with the other commercial monument signs within the NNCP.
- E-4. The sign area is limited to text identifying the name of the theater and the movies that are offered. No graphic displays are permitted to ensure the sign does not distract motorists and create safety hazards.
- E-5. The proposed monument sign will be constructed on private property adjacent to Newport Center Drive and will not change the density or intensity of the existing commercial shopping center.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

- 1. The Planning Commission of the City of Newport Beach hereby approves MD2012-019 subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 28<sup>TH</sup> DAY OF FEBRUARY, 2013.**

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Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan, details, and elevations, except as noted in the following conditions.
2. Sign copy and display shall be limited to text identifying the name of the theater and shows or movies that are offered, and shall not display images or graphics (except for theater logo).
3. The electronic sign copy shall be static/stationary. No rotating, flashing, blinking, scrolling, or animation is permitted.
4. The sign shall comply with the illumination requirements of Section 20.42.060.H (Illuminated Sign and Lights) and maintained in accordance with Section 20.42.170 (Maintenance Requirements) of the Newport Beach Municipal Code.
5. Landscape shrubs and/or hedges shall be planted around the base of the monument size where it projects beyond the existing fence and hedge line perpendicular to the sign. Final landscaping plans shall be reviewed and approved by the Planning Division in conjunction with the issuance of a building permit for the monument sign.
6. A building permit shall be obtained prior to commencement of the construction and/or installation of the sign, and in accordance with the applicable Building Codes.
7. A copy of the resolution, including conditions of approval Exhibit "A," shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits for the monument sign, to identify this approval as the authority for location, size and placement.
8. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
9. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Island Cinemas Monument Sign including, but not limited to Modification Permit No. MD2012-019 (PA2012-175)** and the determination that the project is exempt under the requirements of the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other

expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.



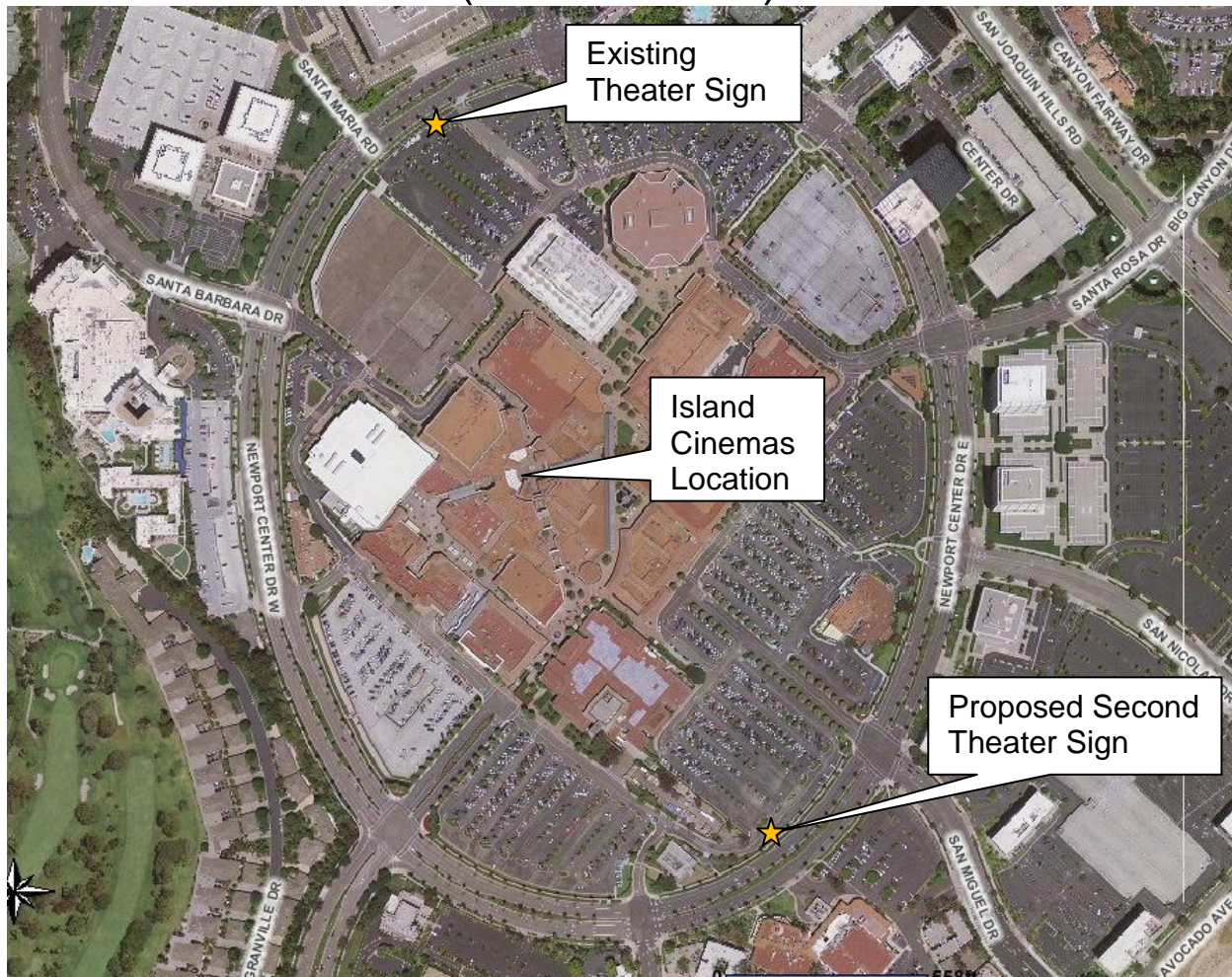
## **Attachment No. ZA 2**

Vicinity Map



# VICINITY MAP

Modification Permit No. MD2012-019  
(PA2012-175)



Fashion Island



## **Attachment No. ZA 3**

Photos and Plans of  
Existing Monument Sign







ISLAND  
HOTEL  
←

ISLAND CINEMA

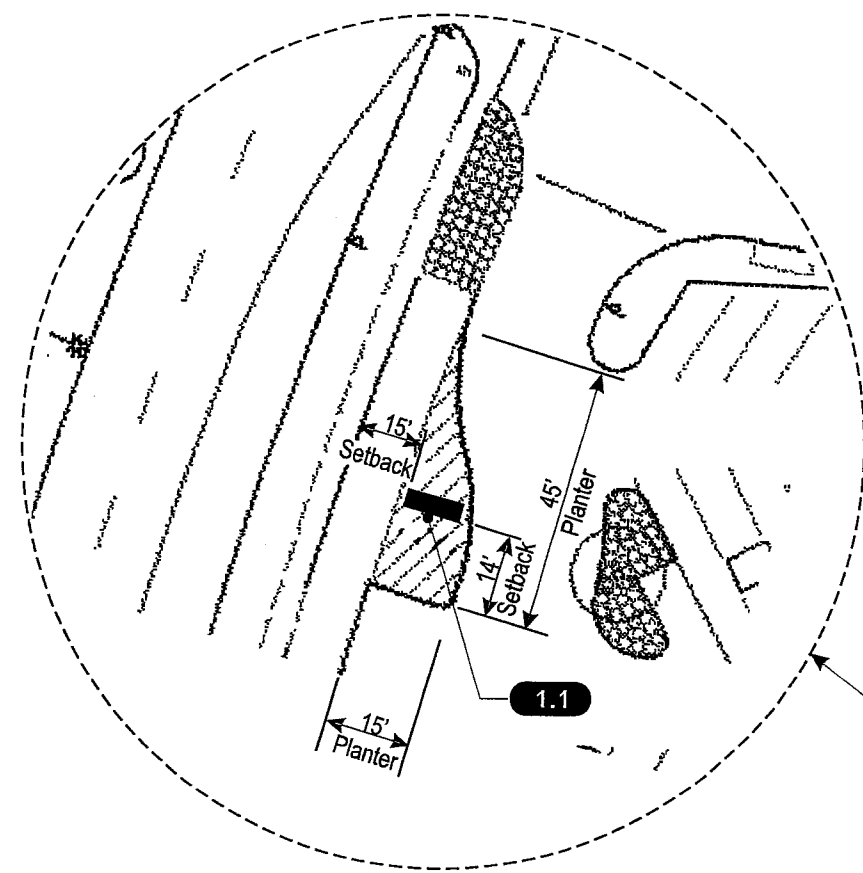
QUARTET  
PARKER  
BROKEN CITY  
LES MISERABLES  
THE IMPOSSIBLE  
SILVER LININGS PLAYBOOK  
LINCOLN



SIGN LEGEND	
1.1	ISLAND CINEMA MARQUEE MONUMENT

**ISLAND CINEMA**  
 999 Newport Center Dr  
 Newport Beach, CA 92660

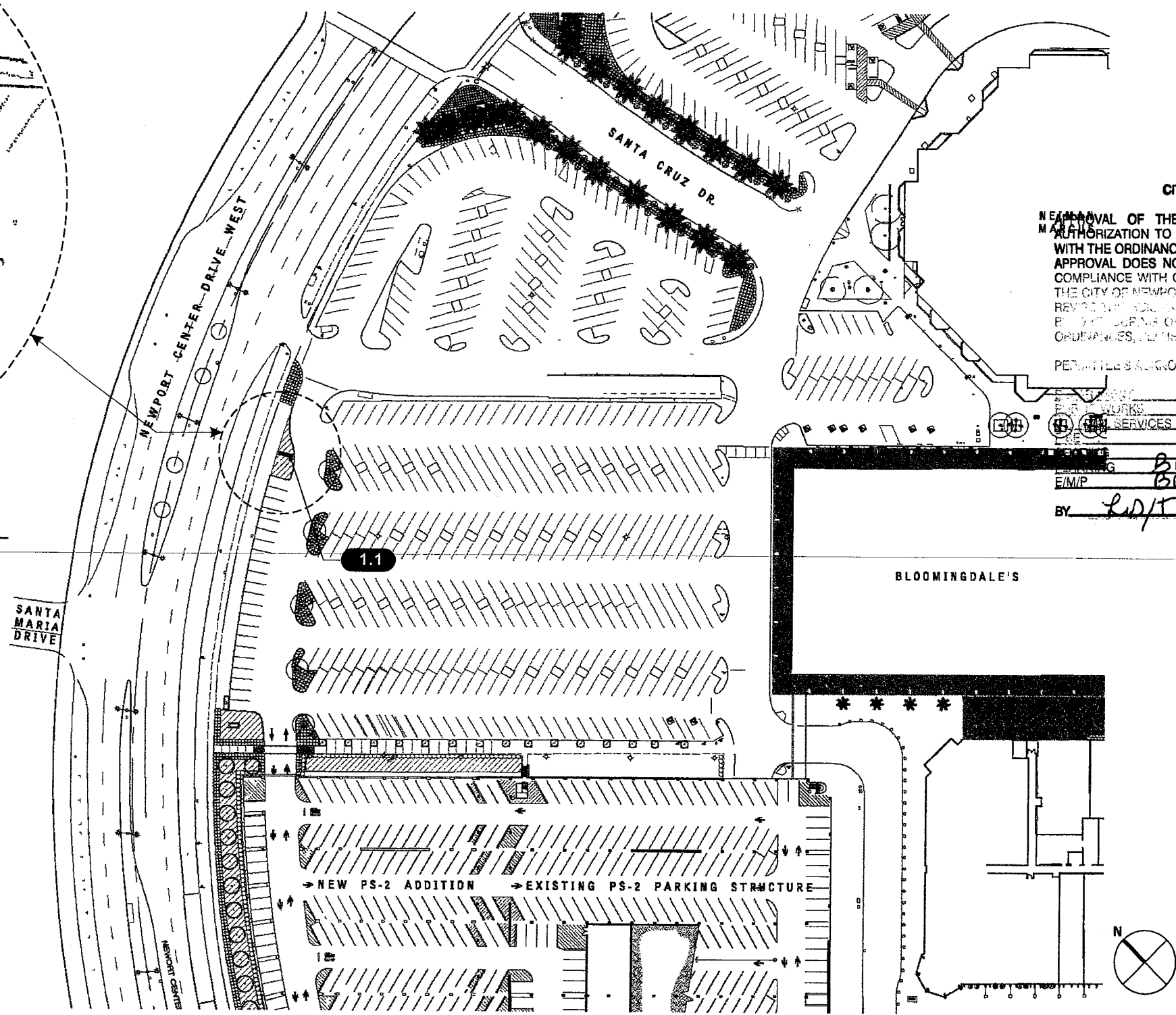
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**1 PARTIAL- ISLAND CINEMA MARQUEE MONUMENT**  
 SCALE: 1/32" = 1'

**NOTES:**

1. ALL WORK TO COMPLY WITH 2010 CALIFORNIA BUILDING CODES AND 2008 CALIFORNIA ENERGY EFFICIENCY STANDARD FOR SIGN LIGHTING
2. SIGN INSTALLER TO IDENTIFY SIGN CIRCUIT BREAKER AND UPDATE PANEL DIRECTORY



**1 PARTIAL SITE/SIGN LOCATION PLAN - ISLAND CINEMA MARQUEE MONUMENT**  
 NTS

**CITY OF NEWPORT BEACH BUILDING DEPARTMENT**

NE APPROVAL OF THESE PLANS DOES NOT CONSTITUTE EXPRESS OR IMPLIED AUTHORIZATION TO CONSTRUCT ANY BUILDING IN VIOLATION OF CITY ORDINANCES, PLANS, AND POLICIES OF THE CITY OF NEWPORT BEACH. THIS APPROVAL DOES NOT GUARANTEE THAT THESE PLANS ARE, IN ALL RESPECTS, IN COMPLIANCE WITH CITY, BUILDING, AND ZONING ORDINANCES, PLANS AND POLICIES. THE CITY OF NEWPORT BEACH RESERVES THE RIGHT TO REQUIRE ANY APPLICANT TO REVISOR, CORRECT, OR REWORK ANY PART OF THE PLANS OR TO WITHDRAW ANY PERMITTING OR OTHER CONSTRUCTION OF THESE PLANS TO COMPLY WITH THE ORDINANCES, PLANS AND POLICIES OF THE CITY OF NEWPORT BEACH.

PERMITTEE'S ACKNOWLEDGEMENT: [Signature] (SIGNATURE) DATE 11-21-11

BY: BMZ (SIGNATURE) DATE 11-21-11

BY: BE (SIGNATURE) DATE 11-21-11

BY: LD/TT/Cho (SIGNATURE) DATE 11-21-11

**IRVINE COMPANY**  
 Since 1862

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**Sign Industries INCORPORATED**  
 2101 Carrillo Privado, Ontario, CA 91761  
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 E-mail: design@signindustries.tv  
 Web: www.signindustries.tv

2223-2011



# ISLAND CINEMA

999 Newport Center Dr  
Newport Beach, CA 92660

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11 August 2011

*[Handwritten signature]*  
Agent



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E-mail: design@signindustries.tv  
Web: www.signindustries.tv

Sheet Number : 5

Rev. 10 11-21-11

21 *[Handwritten initials]*

## NOTES

FL\_IslCin\_ST1-alt1\_TheatMarq\_DD.ai

- 1 .090" THK. FABRICATED ALUMINUM CABINET WITH INTERNAL STRUCTURAL FRAMING AND INTERNAL ILLUMINATION. CABINET TO HAVE FAUX PLASTER FINISH TO MATCH EXISTING FASHION ISLAND ENTRY MONUMENTS.  
SIGN CONTRACTOR TO SUBMIT 12" X 12" SAMPLE OF FAUX PLASTER FINISH / COLOR. INCLUDE JOINT LINE.
  - 2 3/4" THK. ACRYLIC PUSH-THRU LETTERS WITH 3/16" THK. DAY/NIGHT ACRYLIC ON FIRST SURFACE.
  - 3 9 LINE 35 CHARACTER DISPLAY UNIT. 9 LINES STACKED. 35 CHARACTERS PER LINE. ULTRA BRIGHT RED AND OR AMBER. SIZES: 3'-9 3/4" H X 7'-5" L X 4 3/4" D.  
(ELECTRONIC SIGN COPY (SHOW TITLES) SHALL BE STATIC/STATIONARY. NO ROTATING, FLASHING, BLINKING, SCROLLING OR ANIMATION IS PERMITTED)
  - 4 DECORATIVE ALUMINUM FRAME WITH PAINT FINISH
  - 5 NEW .125" THICK ALUMINUM FABRICATED BASE WITH INTERNAL STRUCTURAL FRAMING. NEW BASE TO HAVE PLASTER FINISH WITH EXPRESSED JOINT LINES TO MATCH FAUX PLASTER FINISH OF CABINET ABOVE.
  - 6 EXISTING PRIMARY ELECTRICAL SOURCE WITH STUBOUT ON TOP OF EXISTING CONCRETE BASE. VERIFY EXISTING POWER.  
**REMOVE EXISTING CONCRETE BASE**
- (A) MATTHEWS PAINT TO MATCH PRATT & LAMBERT 33-18 WENDIGO - SATIN GLOSS FINISH
- (C) FAUX PRECAST FINISH TO MATCH PROJECT STANDARD QUICK CRETE PRAIRIE TAN
- SUBMIT MIN. 12" X 12" COLOR SAMPLES ON ACTUAL MATERIALS SPECIFIED. SAMPLES TO SHOW ACTUAL FAUX TEXTURED FINISH, JOINT DETAIL AND COLOR. 3 SAMPLES REQUIRED.

TOTAL ELECTRICAL LOAD: 2.5 AMPS @ 120 VOLTS

(2) 20 AMPS @120 VOLTS CIRCUITS EXISTING



1 ELEVATION - SIGN TYPE 1 - NEW CABINET/DIGITAL DISPLAY AND BASE SHROUD  
SCALE: 1/2" = 1'-0"

2 SIDE VIEW  
SCALE: 1/2" = 1'-0"

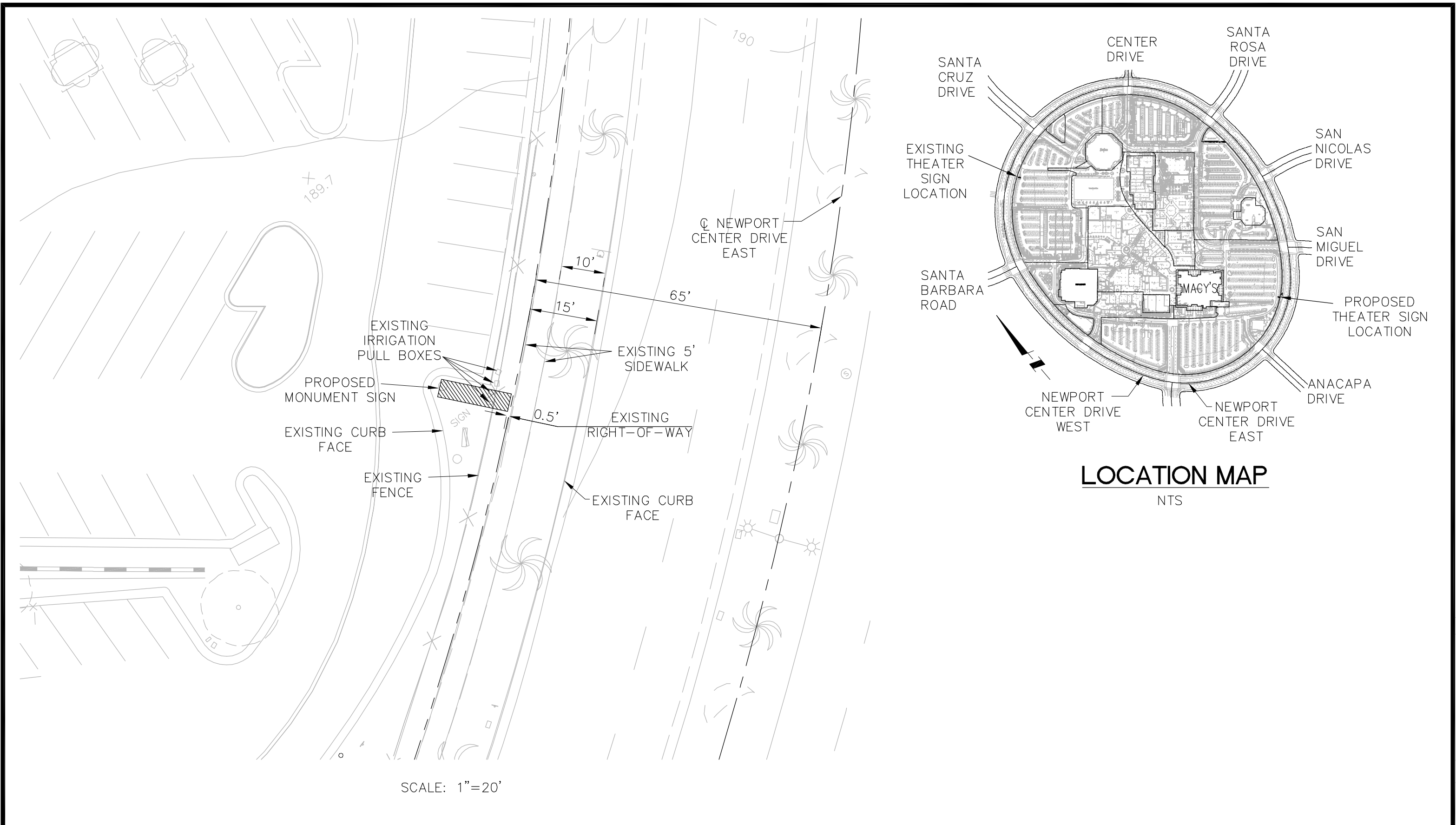




## **Attachment No. ZA 4**

Proposed Plans of Second  
Monument Sign





PREPARED BY:



**STANTEC CONSULTING INC.**  
19 TECHNOLOGY DRIVE  
IRVINE, CA 92618  
949.923.6000

stantec.com

PREPARED FOR:



**IRVINE COMPANY**  
Since 1864

**FASHION ISLAND  
ISLAND CINEMAS  
MONUMENT SIGN EXHIBIT**

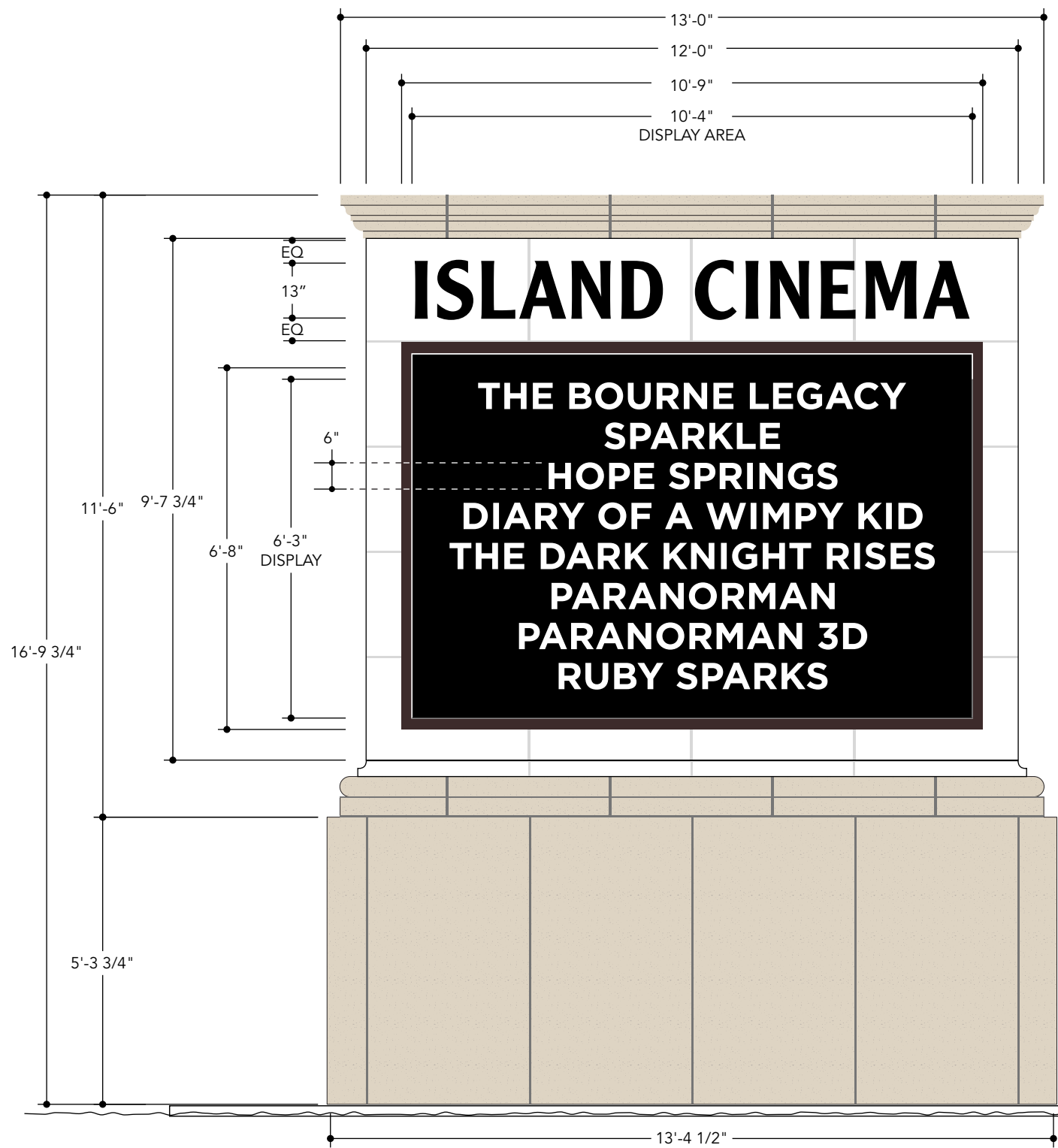
DATE:  
02/12/2013

SHEET 1  
OF 1

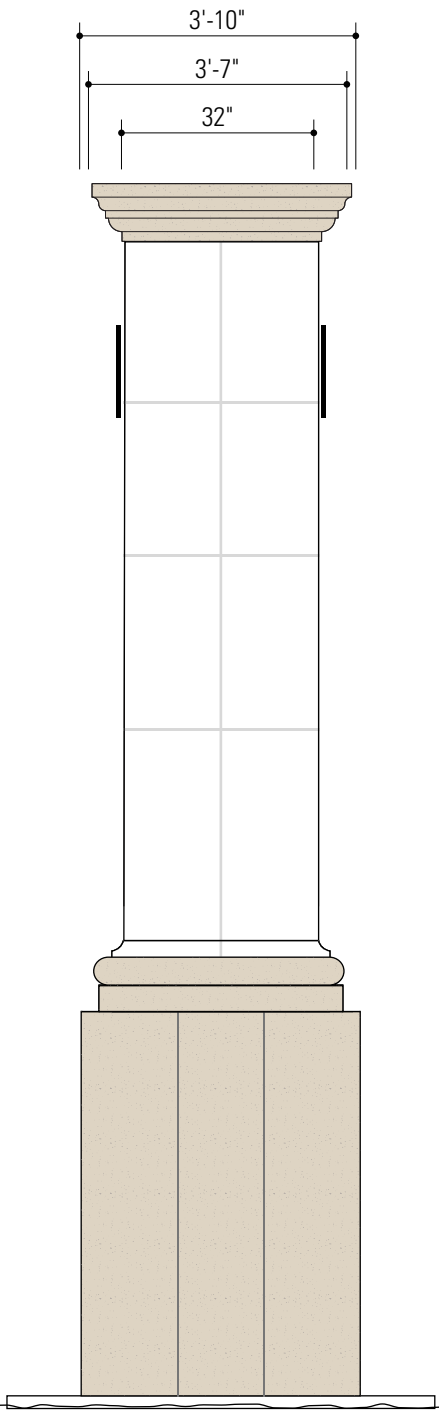
JOB NO.  
**20424374.00**

DRAWING: v:\projects\14374.00\dwg\prex2088.dwg PLOTTED: 2/12/2013 3:28 PM BY: Uribe Gonzales, Martha

PIW/ IRVINE CO/ RETAIL - IRVINE CO/ FASHION ISLAND/ 13-0054 ISLAND CINEMA MONUMENT/ OK DWGS/ ST1\_MONUMENT.AI



ELEVATION VIEW - SIGN TYPE 1 - SIDE A & B - OPTION A  
SCALE: 3/8" = 1'



SIDE VIEW - OPTION A  
SCALE: 3/8" = 1'

The following drawings, specifications, ideas, designs, and arrangements represented thereby, are and shall remain the property of the designer, and no part thereof shall be copied, disclosed to others or used in connection with any work or project other than the specified project for which they have been prepared and developed without the written consent of the designer. Visual contact with these plans or specifications shall constitute conclusive evidence of acceptance of these restrictions.

**JB3D**

731 N. MAIN ST  
ORANGE, CA 92868  
714.744.2300

**FASHION ISLAND - ISLAND CINEMA**

401 NEWPORT CENTER DRIVE  
NEWPORT BEACH / CA

CLIENT  
IRVINE COMPANY

CONTACT  
WYATT STRATEMAN

REVISIONS

JOB#  
13-0054

DATE  
2.12.13

DRAWING TITLE  
ELEVATION VIEWS - OPTION A

SCALE  
AS NOTED

DESIGNER  
BW

SHT#

26

1.0